

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

State Building Code Appeals Board
Docket No. 05-303

James Shannon,)
Appellant,)
)
v.)
)
City of Boston and William Good,)
Appellees)
)

BOARD'S RULING ON APPEAL

Procedural History

This matter came before the State Building Code Appeals Board ("the Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, Appellant requests that the Board grant a variance from 780 CMR 903.2.1 of the Massachusetts State Building Code ("MSBC") in regards to 127 Marion Street, East Boston, MA. In accordance with MGL c. 30A, §§ 10 and 11; MGL c. 143, §100; 801 CMR 1.02 et. Seq.; and 780 CMR 122.3.4, the Board convened a public hearing on October 5, 2006 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

Present and representing the property owner, Michael Interbartolo, was James Shannon (the "Appellant"). There was no representative present from the City of Boston Inspectional Services Department. There was no representative present from the City of Boston Fire Department.

Findings of fact

1. The subject property is the Barnes School located at 127 Marion Street, East Boston, MA, which is currently under renovation to provide housing for the elderly.
2. The Barnes School is a historical structure which has been part of the Boston Public School system since 1898.
3. The subject property ceased operations in 1986.
4. The Community room is the portion of the subject property at issue in this appeal.

5. The community room is an assembly area within the Barnes School. Said room has a dome ceiling with terra cotta blocks within a steel frame.
6. The geometry and construction of the dome ceiling create challenges for the installation of conventional sprinkler protection therefore the entire school except for the community room will be fully sprinklered. The only portion of the community room that will be sprinklered is the area under the balcony.
7. The Appellant proposed an alternative design to compensate for the lack of sprinkler coverage in the dome ceiling area of the community room. The alternative design prescribes the installation of extended coverage quick response sprinklers around the perimeter of the dome and projected beam smoke detectors across the opening of the dome which will provide early warning to all occupants. The only portion of the room that will not be protected by sprinklers will be the center of the dome.
8. The Appellant obtained an independent third party engineering review of the proposed alternative fire protection. The written report from the independent engineer set forth nine alternative design requirements which incorporate the design alternatives proposed by the Appellant. The Appellant is prepared to implement said requirements.

Discussion

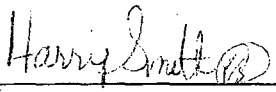
A motion was made to **GRANT** the Appellant's request for a variance from 780 CMR 903.2.1 of the MSBC. Based upon the physical hardship caused by the dome structure, the historical significance of the building and the independent third party review, it is clear that the Appellant has made reasonable efforts to find alternative compliance. The Appellant must comply with the nine requirements set forth in section four of R.P. Schifiliti Associates, Inc.'s fire protection engineer report.

Motion carried 3-0.


Conclusion

The Appellant's request for variance from 780 CMR 903.2.1 of the MSBC is **GRANTED.**

SO ORDERED.



HARRY SMITH



TIMOTHEE RODRIQUE



BRIAN GALE

DATED: December 4, 2006

** In accordance with M.G.L. c. 30A § 14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.*